



19 JUN 2003

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David L. Tarnoff
Shinju Global IP Counselors, LLP
1233 Twentieth Street, NW
Suite 700
Washington, DC 20036

In re Application of
SEO, et al.
Application No.: 10/031,857
PCT No.: PCT/KR00/01529
Int. Filing Date: 23 December 2000
Priority Date: 23 February 2000
Attorney Docket No.: 28875-102
For: APPARATUS AND METHOD FOR SEARCHING:
DIGITAL AUDIO DATA FILE FROM MEDIA
WHERE DIGITAL AUDIO DATA FILES ARE
RECORDED

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.42

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.42" filed in United States Patent and Trademark Office (USPTO) on 18 December 2002.

BACKGROUND

On 20 September 2002, applicant was mailed decision dismissing applicant's petition under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended with a proper petition and payment of the appropriate extension of time fee.

On 18 December 2002, applicant filed the present renewed petition under 37 CFR 1.42 accompanied by a petition for a one-month extension of time accompanied by payment of the \$55.00 small entity extension fee. With the filing of the petition for a one-month extension of time and payment of the fee, applicant's response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 20 September 2002, pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

Applicant's declaration filed 09 July 2002 was held to be non-compliant as the declaration did not set forth the residence, post office address and country of citizenship of the deceased joint inventor Youn-Deuk SEO or the heirs as required under 37 CFR 1.497(b). In addition, the declaration did not contain a statement detailing the relationship of the signatories to the deceased inventor.


The supplemental declaration filed 18 December 2002 executed by Bum-Ho SEO and Bong Ja CHOI as the legal representatives of the estate of Youn-Deuk SEO provides their residences, post offices addresses and citizenship. The declaration executed by the other inventors provides their residences, post offices addresses and citizenship as well as that of the deceased inventor, Youn-Deuk SEO. These declarations taken together are acceptable under 37 CFR 1.42 and comply with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 18 December 2002.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.42 is GRANTED.

This application will be given an international application filing date of 23 December 2000 and a date of **18 December 2002** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459